

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

v.

DEBORAH BELL; RYANELLE T.
FUQUA; GINA G. BELL; and THOMAS T.
EDWARDS FUNERAL HOME, INC.,

Defendants.



19-CV-1310
DECISION & ORDER

On September 25, 2019, the plaintiff commenced this interpleader action related to a dispute over life insurance benefits. Docket Item 1. On January 29, 2020, this Court referred this case to United States Magistrate Judge Hugh B. Scott for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 11.

On January 30, 2020, the plaintiff moved for interpleader deposit and for attorneys' fees and costs. Docket Item 1. After the time to respond to the motion passed and none of the defendants responded, Judge Scott issued a Report and Recommendation ("R&R") finding that the plaintiff's motion should be granted. Docket Item 16. More specifically, Judge Scott recommended that this Court order the plaintiff to "deposit with the Clerk of the Court a sum certain consisting of \$59,081.99, plus accrued interest to be documented upon deposit, minus \$4,480 in costs and fees." *Id.* at 7. "Upon deposit," Judge Scott explained, the plaintiff should "be dismissed from the case with prejudice," allowing the case to continue with the interpleader defendants. *Id.*

at 6-7. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

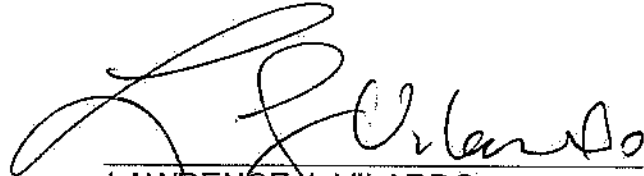
Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Scott's R&R as well as the submission to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Scott's recommendation to grant the plaintiff's motion.

For the reasons stated above and in the R&R, the plaintiff's motion for interpleader deposit and for attorneys' fees and costs, Docket Item 12, is GRANTED. The plaintiff is DISMISSED from this case. The case is referred back to Judge Scott for

further proceedings consistent with the referral order of January 29, 2020, Docket Item 11.

SO ORDERED.

Dated: June 22, 2020
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE